

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIET COFFEE, INC.

Plaintiff,

v.

VIATEK CONSUMER PRODUCTS GROUP,
INC. LOU LENTINE and ANGELO
RAMSBOTT

Defendants.

Civil Action No. 08-cv-04686-PKC

DECLARATION OF LOUIS F. LENTINE

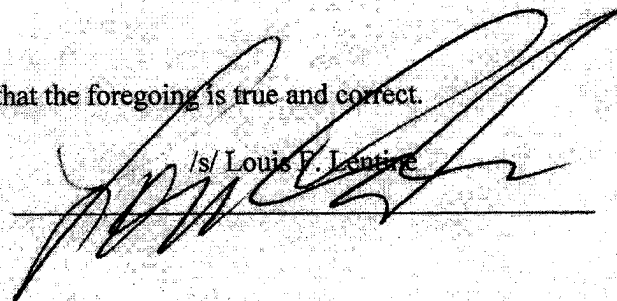
I, Louis F. Lentine, hereby declare as follows:

1. I am over the age of 21 and am competent to make this Declaration. I have personal knowledge of the matters set forth herein.
2. I am a citizen of the United States and have a permanent residence in Windermere, Florida.
3. I am the co-founder and General Manager of Viatek Consumer Products Group Inc. ("Viatek"). I am also a named defendant in the above-captioned lawsuit.
4. Viatek is organized under the laws of the State of Florida, and headquartered in Orlando, Florida.
5. Viatek is not registered to do business in the State of New York.
6. Viatek has no offices, facilities, employees or agents in New York.
7. Viatek owns no property in New York. I also own no property in New York.
8. Viatek has no agent for service of process in New York.
9. On or about March 15, 2007, Mr. Avi Sivan approached Viatek's booth at the International Housewares Trade Show in Chicago, Illinois, with a proposal to help take Viatek public.
10. Mr. Sivan invited Mr. Angelo Ramsbott and I to New York to discuss this proposal.

11. On March 22, 2007, Mr. Ramsbott and I flew to New York City to discuss this proposal. We took part in a 2- or 3-hour meeting in Manhattan.
12. During the meeting we first discussed Mr. Sivan's proposal to help take Viatek public.
13. In the course of the meeting, Mr. Sivan told us that he had helped take a company named "Diet Coffee International" ("DCI") public. This was the first time I had heard of DCI.
14. Mr. Sivan also mentioned several different products that he had been involved with, including several makeup products and an "Ionic Bulb." This was the first mention made of the Ionic Bulb in my interactions with Mr. Sivan.
15. Mr. Sivan suggested that Viatek might be able to help DCI sell the Ionic Bulb. We talked about it briefly, and agreed that this new proposal would be worth discussing in future.
16. No agreement of any sort was reached at that meeting.
17. Over the next few months, we exchanged some emails and phone calls with officers of DCI. There was disagreement about a number of things, including price. I attach as Exhibit A an email dated April 13, 2007 to Mr. Sivan among others, in which I express frustration with DCI's refusal to consistently discuss pricing.
18. We were ultimately unable to reach agreement for a number of reasons. For example, DCI indicated that it owned intellectual property relating to the Ionic Bulb, but was unwilling or unable to provide any information relating to the intellectual property.
19. I attach as Exhibit B an email I sent on October 8, 2007 trying to negotiate a deal based on DCI's alleged intellectual property in the Ionic Bulb.
20. Viatek was never able to reach agreement of any kind with DCI. Viatek never signed any contract with it.

I swear under the pains and penalties of perjury that the foregoing is true and correct.

Dated: July 28, 2008.


/s/ Louis F. Lentini

From: Lou Lentine [LLentine@viatekproducts.com]
Sent: Monday, April 23, 2007 6:34 PM
To: dattarian@slimcoffee.com; avi@igia.com
Subject: RE: Emailing: www.ionicbulb.com

David, it is a test order. I would expect it to be 2k two packs.

Found a supplier of similar item that has a china patent. They quoted me \$2.60. They don't have UL (which would take 3-4 Weeks) I can share info to avi if we need to look at other suppliers together to make deals happen.

I know we are pushing. It is customer not me.

Your tv offer was first told to me at \$29.99 each, then 19.99 each, now it is \$19.99 for two. A Huge difference and the inconsistency is frustrating to me.

As you know, HSN must follow your Commercial. If the margin no longer is available for us to do this together, maybe we need to either license the patent from you and buy from factory direct OR Viatek stops marketing because there is no margin in the item for both of us. Let me know. Lou

-----Original Message-----

From: David Attarian Slimcoffee [mailto:dattarian@slimcoffee.com]
Sent: Monday, April 23, 2007 11:04 AM
To: Lou Lentine; avi@igia.com; dattarian@slimcoffee.com
Subject: RE: Emailing: www.ionicbulb.com

Hi Lou;
I just placed the order for 2-pack samples.
WOW Lou, you keep pushing the price down. There is virtually no more margin left for us. do you have any idea about the volume of the order? If you could give me an indication I can discuss with the factory to see if he can lower the price otherwise it is extremely difficult. Please advise.
Thanks and best regards
DAVID

-----Original Message-----

From: Lou Lentine [mailto:LLentine@viatekproducts.com]
Sent: Monday, April 23, 2007 4:52 AM
To: avi@igia.com; dattarian@slimcoffee.com
Subject: FW: Emailing: www.ionicbulb.com

David , Needs another samples (two packed in a mailer box) so they can sell a two pack for 19.99. We will need to buy the two pack for \$7.20 Landed in LA to get this deal.

-----Original Message-----

From: Amy Petrucelli [mailto:ppartners@tampabay.rr.com]
Sent: Thursday, April 19, 2007 3:49 PM
To: Lou Lentine
Cc: Ben Chmura
Subject: Fw: Emailing: www.ionicbulb.com

-----Original Message-----

From: Amy Petrucelli [mailto:ppartners@tampabay.rr.com]
Sent: Thursday, April 19, 2007 3:49 PM
To: Lou Lentine
Cc: Ben Chmura
Subject: Fw: Emailing: www.ionicbulb.com

7/28/2008

Lou, the QA sample you sent was only 1 bulb - the tv offer / internet is selling 2 / \$19.99 need to get them under \$19.99 for 2 units..

Amy

Product Partners
13555 Automobile Blvd
Suite 630
Clearwater, FL 33762
Phone - 727 571 2711
Fax 727 571 2712

----- Original Message -----

From: "Flanigan, Jessica" <Jessica.Flanigan@hsn.net>
To: <ppartners@tampabay.rr.com>
Sent: Thursday, April 19, 2007 3:05 PM
Subject: Emailing: www.ionicbulb.com

FYI- Why are we only at 1 bulb for \$19?

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://www.ionicbulb.com/>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
<<www.ionicbulb.com.url>>

From: Lou Lentine [LLentine@viatekproducts.com]
Sent: Monday, October 08, 2007 2:27 PM
To: dattarian@igia.com
Cc: Angelo Ramsbott
Subject: RE: Ionic Bulb

David,

I got your agreement. Please send me a copy of the patent you are licensing to us in the agreement. Our attorney wants to confirm that our item actually is infringing your patent prior to agreeing to a license.

Also, we agree to give you royalty to license the patent. We do not accept any restrictions or do not prefer to ask you for permission to sell merchandise to specific customers. We will license the patent and pay you a royalty. Our item will be marketed under a private brand, not Ionic Bulb (your brand).

I look forward to finalizing this agreement. Thank you. Lou

-----Original Message-----

From: David Atarian [mailto:dattarian@igia.com]
Sent: Monday, October 08, 2007 9:12 AM
To: Lou Lentine
Subject: Ionic Bulb

Lou hi;
Sorry I didn't see you in Vegas as Avi told me you stopped by.
I am wondering where you are with the agreement I sent you as the last time I spoke with someone at your affoce I was told that your lawyer was reviewing it. I am sure by now you are in a position to answer. Please advice at your earliest convenience.
Kind regards
DAVID ATTARIAN